

**Remarks/Arguments:**

These remarks are responsive to the Office Action of May 22, 2008. Claims 2, 4-6, and 11-32 are withdrawn. Claims 1, 3 and 8 are amended and claim 7 is cancelled. Claims 33-38 are newly added.

Support for amended claims 1 and 3 is found in the specification at paragraph 0017. Claim 8 is amended to correct claim dependency. No new matter is added by these amendments.

Support for new claims 33, 36, and 37 is found in the specification at paragraph 0081. Support for claims 34 and 35 is found at paragraphs 0073, 0081, 0082, 0126, 0127, Example 5 and Figures 2-5. Support for claim 38 is found at paragraphs 0041, 0045, 0046, 0047, and Example 1. No new matter is added.

**Rejections under 35 USC Section 102**

Claims 1 and 3 stand rejected under 35 USC Section 102(a) as anticipated by Sharma. Claim 1 is directed to a composition comprising a surface and a modified protein which is covalently bound to the surface. Sharma discloses a modified protein bound by an affinity tag to an affinity matrix. Sharma does not disclose a modified protein covalently bound to a surface. In addition, claims 1 and 3 have been amended to specify that the surface is a "metal" surface. Sharma does not teach or disclose a metal surface. Therefore, Sharma does not anticipate claims 1 or 3.

Claims 1, 3, 7, 8 and 10 stand rejected under 35 USC Section 102(b) as anticipated by Halbreich. Halbreich discloses nanoparticles comprising maghemite. Claim 7 is cancelled. Claim 1, and claims 3, 8, and 10 which depend from claim 1, have been amended to specify that the surface is a "metal" surface. Maghemite is an iron oxide. Nanoparticles comprising

maghemite do not provide a metal surface. Therefore, Halbreich does not anticipate claims 1, 3, 7, 8 or 10.

Claims 1 and 7-10 stand rejected under 35 USC Section 102(b) as anticipated by Feijen. Feijen discloses a process for covalently bonding heparin to a water-soluble protein through an amide linkage. A medical device may then be coated with this protein conjugate by *adsorption*, but not by covalent binding (Column 3, lines 45-55 of Feijen). The adsorbed protein may also be cross-linked to itself (protein-protein linkage, Col. 3, lines 56-62 and Col. 4, lines 1-4), but is not covalently bound to the surface of the device. Claim 7 is cancelled. Claim 1, and claims 8-10, which depend from claim 1, have been amended to specify that the surface to which the modified protein is covalently bound is a "metal" surface. Feijen does not disclose a modified protein covalently bound to a metal surface. For these reasons, Feijen does not anticipate claims 1 or 7-10.

Claims 1 and 7-10 stand rejected under 35 USC 102(e) as anticipated by Kutryk. Kutryk discloses a medical device coated with monoclonal or polyclonal antibodies or antibody fragments. Claim 7 is cancelled. Kutryk does not disclose a composition comprising a metal surface and a modified protein, wherein the modified protein is bound to the metal surface, because the antibodies used by Kutryk are not modified proteins. Therefore, Kutryk does not anticipate claims 1 or 8-10.

On the basis of the preceding discussion, Applicants respectfully request that the Section 102 rejections of claims 1, 3, and 7-10 be withdrawn.

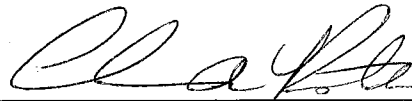
Appln. No.: 10/567,872  
Amendment Dated August 20, 2008  
Reply to Office Action of May 22, 2008

RCHP-135US

### Conclusion

For these reasons, it is respectfully submitted that the claims are in condition for immediate allowance and a notice to this effect is solicited. The Examiner is invited to telephone Applicants' attorney if it is believed that a telephonic interview would expedite prosecution of the application.

Respectfully submitted,



Christopher A. Rothe, Reg. No. 54,650  
Joy Mulholland, Reg. No. 47,810  
Attorneys for Applicants

CAR/JM/lrb

Dated: August 20, 2008

P.O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700

The Commissioner for Patents is hereby  
authorized to charge payment to Deposit  
Account No. 18-0350 of any fees associated  
with this communication.

L\_H:\NRPORTBL\RP\LISA\322464\_1.DOC